

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES F. PUTNAM

PLAINTIFF

v.

CAUSE NO. 1:13CV204-LG-JMR

RON KING

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation [31] entered by Chief United States Magistrate Judge John M. Roper, Sr., on November 6, 2013.

The plaintiff, James F. Putnam, filed a Motion Requesting Court Take Judicial Notice [30] in which he asked the Court to take judicial notice of the fact that the lighting in his cell is poor, which makes it difficult for him to research case law and draft pleadings. Judge Roper recommends that Putnam's Motion be denied.

Putnam has objected to the Report and Recommendation, arguing that Judge Roper incorrectly construed his Motion as a request to amend his habeas corpus petition.

Putnam states that his Motion "was submitted purely for this Court to take into consideration when determining the adequacy of Movant's 2254 pleadings."

(Objection, Nov. 3, 2013, ECF No. 33).

Judge Roper correctly determined that Putnam's allegations related to the lighting in his cell are not properly before this Court. The Court further rejects Putnam's request for judicial notice, since circumstances warranting the taking of judicial notice are not present here. *See* Fed. R. Evid. 201(b). Nevertheless, it should be noted that the Court always takes the pro se and/or incarcerated status of

plaintiffs into consideration when reviewing their pleadings.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [31] entered by Chief United States Magistrate Judge John M. Roper, Sr., is **ADOPTED** as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Motion Requesting Court Take Judicial Notice [30] filed by James F. Putnam is **DENIED**.

SO ORDERED AND ADJUDGED this the 4th day of February, 2014.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE